

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
Charlottesville Division**

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NICOLE P. ERAMO, : Case No. 3:15-cv-00023-GEC  
Plaintiff, :  
: - against -  
: ROLLING STONE LLC, SABRINA RUBIN  
ERDELY, AND WENNER MEDIA LLC,  
: Defendants.  
: ----- X -----

**DEFENDANTS' MOTION FOR PARTIAL RECONSIDERATION  
OF SEPT. 22, 2016 MEMORANDUM OPINION AND ORDER**

Pursuant to Federal Rule of Civil Procedure 54(b), Defendants Rolling Stone LLC, Sabrina Rubin Erdely, and Wenner Media LLC respectfully move this Court for reconsideration of the Court's Sept. 22, 2016 Memorandum Opinion [Dkt. 188] ("Mem. Op.") to the extent it granted Plaintiff's motion for partial summary judgment on the issue of whether the eleven statements remaining in suit are "of and concerning" Plaintiff based upon a misapprehension that there is "no dispute" between the parties with respect to this element of Plaintiff's claims. (Mem. Op. at 23).<sup>1</sup> The basis for Defendants' motion is set forth more fully in the Brief in Support of Defendants' Motion for Partial Reconsideration, which is being filed concurrently herewith.

WHEREFORE, Defendants Rolling Stone LLC, Sabrina Rubin Erdely, and Wenner Media LLC respectfully request that the Court grant their Motion for Partial Reconsideration; modify its Memorandum Opinion and Order to reflect that it is a question of fact for the jury to

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<sup>1</sup> While this holding was described in the Memorandum Opinion (*id.* at 23), it is not set forth in the accompanying Order [Dkt. 189].

determine whether Statements #5-12 are “of and concerning” Plaintiff; and deny Plaintiff’s motion for partial summary judgment on this issue with respect to Statements #5-12.

Dated: New York, New York  
September 23, 2016

By: /s/ Elizabeth A. McNamara  
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*Attorneys for Defendants Rolling Stone LLC,  
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**CERTIFICATE OF SERVICE**

I hereby certify that on September 23, 2016, the foregoing was served by CM/ECF on counsel of record for all parties to this action. Notice of this filing will be sent by email to all parties by operation of the Court's electronic filing system or by mail to anyone unable to accept electronic filing as indicated on the Notice of Electronic Filing. Parties may access this filing through the Court's CM/ECF System.

/s/ Elizabeth A. McNamara  
Elizabeth A. McNamara